

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner indicates that a PTO-1449 Form is missing with respect to the Information Disclosure Statement that was submitted, and thus, he has not considered the cited references. Applicants note that the references cited in the Information Disclosure Statement that was filed were all commonly assigned unpublished co-pending applications, and that such documents do not get listed on a PTO-1449 Form. In accordance with current requirements, copies of each unpublished application was provided to the Examiner. Thus, Applicants submit that they complied with all the requirements for ensuring consideration of the commonly assigned co-pending unpublished applications, and respectfully request an indication of consideration by the Examiner in the next official communication.

In this regard, Applicants note that the documents cited in the Information Disclosure Statement filed on February 6, 2004 have now been published as U.S. Patent Application Publications. Accordingly, Applicants herewith provide a PTO-1449 listing each U.S. Patent Application Publication that corresponds to each previously cited U.S. non-published application. As the PTO-1449 Form lists only those documents that were previously cited in the February 6, 2004 Information Disclosure Statement as unpublished U.S. applications which were filed prior to the mailing of a first Office

Action, Applicants submit that no certification and/or no fee is deemed necessary.

Accordingly, the Examiner is requested to confirm consideration of the documents, which were originally listed in the Information Disclosure Statement filed on February 6, 2004, by returning a completed copy of the PTO-1449 Form in the next communication.

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph as failing to provide a proper antecedent basis for the term “location”. As will be discussed below, claims 1-10 have been canceled, and new claims have been submitted for the Examiner’s consideration. The newly submitted claims have been drafted paying particular attention to the concern raised by the Examiner. Accordingly, Applicants submit the ground for this rejection no longer exists, and respectfully request withdrawal of this ground of rejection.

Applicants also respectfully traverse the 35 U.S.C. §103 rejections set forth against the claims. According to a feature of the present invention, an electronic device (such as, but not limited to, for example, a computer system) is located at a location remote from a conditioning system (such as, but not limited to, for example, an air conditioning or heating system) that is interfaced to a communications link, such as, for example, a telephone network. The electronic device includes a control program that is configured to allow a user to enter profile information about the conditioning system to be controlled. The profile information includes identification data about the conditioning system to be

controlled, such as, but not limited to, a telephone number or other unique ID associated with the conditioning system. After the profile information has been entered into the electronic device (which may be done either at some point in the past or when the user wishes to input control commands), the user can input control commands (e.g, commands instructing the conditioning system to, for example, control air direction, air volume, air temperature, etc., as described at paragraph [0033] of Applicants' specification) to the electronic device. The electronic device associates the profile information with the control commands that have been inputted, and generates a control command data packet, which is transmitted over the communications link to the conditioning system to be controlled, so that the conditioning system performs the operation desired by the user.

Applicants submit that at least the above is lacking from the applied art of record. In U.S. Patent 5,544,036 to BROWN, Jr., setpoints for various operating conditions (e.g., a temperature setting for an AWAY mode, a temperature setting for a HOME mode, etc.) are preprogrammed into thermostat 42 associated with the heating cooling unit 38 (see, for example, column 9, line 41 through column 12, line 59 of BROWN, Jr.). The various setpoints are adjusted by pressing the WARMER or COOLER keys 84 on the thermostat 42. When a customer calls a command center computer 22, an automatic telephone communication system is provided that requests actions desired by the caller, who responds by pressing various DTMF buttons on a DTMF telephone keypad. The

customer command center computer 22, through pre-programmed voice messages accessing the digitized voice platform, prompts the caller for responses to various questions, which are answered by the user pressing the keys on the DTMF keypad telephone (see column 26, lines 13-28 of BROWN, Jr.). A pager system is then utilized to transmit a predetermined format signal to all heating cooling units, in which predetermined digits represent the specific heating cooling device to be controlled and other predetermined digits represent the mode (e.g., AWAY, HOME, etc.) (see, for example, Fig. 6 of BROWN, Jr.).

Applicants submit that BROWN, Jr. differs from Applicant's device in several important respects. For example, in BROWN, Jr., the pager signal transmits the commands to all cooling heating units. On the other hand, Applicant's invention transmits commands only to the specific conditioning system to be controlled.

Additionally, BROWN, Jr. can only perform operations in accordance with responses provided to predetermined voice prompts, and such operations are limited to executing the setpoints pre-programmed into the heating cooling unit 38 (with its associated controller 34 and thermostat 42) that correspond to the selected mode (e.g., AWAY, HOME, etc.). In this regard, Applicants submit that BROWN, Jr. corresponds to the prior art discussed at paragraphs [0009] and [0010] of Applicants' specification, in which a user inputs data via keys "0" to "9" of the DTMF telephone, which limits the

system to performing simple operations.

On the other hand, Applicants' invention transmits a control command data packet that conveys a specific task to be performed (e.g., controlling air direction, air volume, air temperature, etc.), (see, for example, paragraph [0033] of Applicant's specification).

Applicants submit that U.S. Patent 6,631,619 to NONAKA also fails to disclose or suggest the above-noted features. Applicants submit that NONAKA is deficient and lacking in the combination of features recited in the claims. For example, NONAKA fails to disclose or suggest that a remote electronic device has a control program configured to receive profile information associated with a conditioning system. Instead, Applicants submit that NONAKA is directed towards an air conditioning apparatus that downloads control information, and not profile information, of an air conditioner.

Accordingly, Applicants submit that even if one attempted to combine the teachings of BROWN, Jr., and NONAKA in the various manners suggested by the Examiner, one would fail to arrive at the instant invention, as defined by the claims, because such combinations would fail to at least include that commands are sent only to the conditioning system to be controlled, and/or that the transmitted control command data packet conveys a specific task to be performed.

By the current amendment, Applicants clarify the claims of the present invention by canceling original claims 1-10 and submitting new claims 11-32 for the Examiner's

consideration. These claims specify, using claim 11 as an example, that a registration module is configured by a remote user to store profile information that includes an identification of a conditioning system to be controlled, a data packet creation module that generates a control command data packet based on the stored profile information and a control command inputted by the remote user, and a data packet transmitter that transmits the generated control command data packet over a communications link to the conditioning system associated with the profile information to control an operation of the conditioning system.

Applicants further submit new independent claim 29 that specifies a method for controlling a plurality of conditioning systems. According to this claim, a control program is executed in a remote electronic device to store profile information for each conditioning system of a plurality of conditioning systems to be controlled, with the remote electronic device being distant from each conditioning system, and the profile information uniquely identifying each conditioning system. At least one control command is inputted that represents at least one desired operation to be performed by at least one conditioning system of the plurality of conditioning systems. At least one control command data packet is generated based on the stored profile information related to the at least one conditioning system and the inputted at least one control command, and the generated control command data packet is transmitted over a telephone network to the

at least one conditioning system to perform the at least one desired operation.

Applicants submit that the present invention, as defined by the newly submitted claims, are not suggested by the prior art combinations suggested by the Examiner, for at least the reasons set forth above. Applicants submit that the newly submitted claims are allowable over the applied art of record. Applicants further submit that the dependent claims are allowable for the same reasons applicable to the independent claims, and further for the features identified in each dependent claim. Accordingly, the Examiner is respectfully requested to withdraw the procedural and substantive grounds for rejection, to indicate the allowability of the pending claims, and to pass the application to issue.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

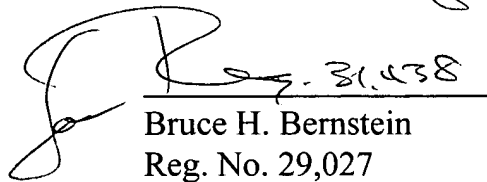
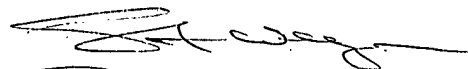
Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized

P23893.A05

to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account
No. 19-0089.

If there should be any questions concerning this application, the Examiner is
invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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Reg. No. 29,027

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